

FILED

DISTRICT COURT OF GUAM

JUN - 1 2007 *JS*

MARY L.M. MORAN
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FUJITSU LIMITED, and
FUJITSU MICROELECTRONICS AMERICA, INC.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiff,

vs.

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

CIVIL CASE NO. 06-CV-00025

**DECLARATION OF
AKIO NEZU**

ORIGINAL

1 **IN THE UNITED STATES DISTRICT COURT**

2 **DISTRICT OF GUAM**

3 NANYA TECHNOLOGY CORP. and
4 NANYA TECHNOLOGY CORP. U.S.A

5 Plaintiffs,

6 -v-

7 FUJITSU LIMITED, FUJITSU
8 MICROELECTRONICS AMERICA, INC.,

9 Defendants.

CIVIL CASE NO. 06-CV-00025

**DECLARATION OF
AKIO NEZU**

10
11 I, AKIO NEZU, declare under penalty of perjury that the following is true and correct:

12 1. My name is Akio Nezu. I am over the age of 21 and am competent to make this
13 declaration. I make the following statements to the best of my personal knowledge, confirmed by
14 a reasonable inquiry.

15 2. I am the Marketing Manager for the embedded microcontroller products for
16 Fujitsu Microelectronics America, Inc. ("FMA") and my office is located at 1250 East Arques
17 Ave., Bldg. M/S 333, Sunnyvale, California 94085-5401..

18 3. I was responsible for the preparation of the brochure featuring a Johnson &
19 Johnson OneTouch Ultra glucose monitoring system advertising the uses of 8 bit microcontrollers
20 ("MCUs") marketed by FMA. (NTC0089676 in Exhibit 11 of Plaintiffs' Response And
21 Memorandum In Opposition To Defendants' Motions to Dismiss or Transfer.)

1 4. The advertisement incorrectly states that "glucose monitors" are one example of an
2 application where our "8 bit MCUs have found a home." This advertisement should have more
3 accurately stated that these devices "would be a good home" for these 8 bit microcontrollers.

4 5. This brochure was intended to show an example of a device that could potentially
5 be a "design fit" for 8 bit microcontrollers and was not intended to indicate an actual sale of
6 microcontrollers from FMA or Fujitsu Limited for incorporation into the Johnson & Johnson
7 OneTouch Ultra glucose monitoring system.

8 6. FMA never actually supplied any microcontrollers for any glucose monitoring
9 devices.

10 7. I am not aware of any microcontrollers sold by FMA that have actually been
11 incorporated into a glucose monitoring device.

12 8. Our customer sales database shows that FMA has not made any direct sales to
13 Johnson & Johnson and I am not aware of any sales to distributors that have sold microcontrollers
14 to Johnson & Johnson.

15 9. I have no knowledge of the actual components in the Johnson & Johnson
16 OneTouch Ultra glucose monitoring system.

17 I declare under penalty of perjury under the laws of the United States that the
18 foregoing is true and correct.

19 Executed this 30th Day of May, 2007.

20 By: 

AKIO NEZU